

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Franz Birke *et al.*

Examiner: Kevin E. Weddington

Serial No.: 10/719,125

Group Art Unit: 1614

Filed: November 21, 2003

Docket: 1/1421

Customer No.: 28501

Confirmation No.: 2235

For: PHARMACEUTICAL COMPOSITION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

This Reply is filed in response to the Office Action dated February 16, 2006. In that Office Action, a one month shortened statutory period was set for response. Applicants hereby petition for the necessary extension of time under 37 C.F.R. § 1.136 and authorize that the fee due under 37 C.F.R. § 1.16 and any other fees due in connection with this Reply be charged to Deposit Account No. 02-2955. The extension of time fee is paid by the enclosed Fee Transmittal Form. In addition, applicants also request that any subsequently filed reply requiring a petition for an extension of time for its timely submission be treated as if it incorporated such petition for an extension of time pursuant to the provisions of 37 C.F.R. § 1.136(a)(3) and hereby authorize that any fees due in connection therewith be charged to Deposit Account No. 02-2955.

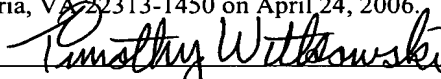
In the Office Action, the Examiner imposed a restriction requirement in the instant application.

In response to that restriction requirement, applicants hereby elect with traverse Group I, claims 1 to 8 and 13. Applicants, however, maintain that Groups I and II should be joined and examined together as they are sufficiently related such that the search for relevant art for one Group would be expected to uncover prior art that is relevant to the other Group, since each of these Groups involve the same compositions comprising an LBT₄ antagonist. Thus, a

search for relevant art and subsequent examination would not be an undue burden on the Examiner and restriction should be withdrawn. M.P.E.P. § 803.

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here. Applicants also respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2006.

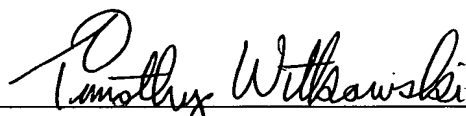


Timothy X. Witkowski
Registration No. 40,232

4-24-06

Dated

Respectfully submitted,



Timothy X. Witkowski
Registration No. 40,232
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 798-4310
Facsimile: (203) 798-4408